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MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			SELBY, GEVEL V	
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DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/753,576	SATO, TSUNEO
	Examiner Gevell Selby	Art Unit 2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 July 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-44 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9, 11-30, 32 and 34-41 is/are rejected.   
 7) Claim(s) 10, 31, 33 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 31 August 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION*****Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Applicant's arguments, see the response, filed 7/14/05, with respect to claims 10, 31, 33, and 44 have been fully considered and are persuasive. The U.S.C. 103(a) of claims 31 and 33 have been withdrawn. The U.S.C. 103(a) of claim 44 with the Matsumoto reference has been withdrawn.
3. Applicant's arguments filed 7/14/05 have been fully considered but they are not persuasive, in regards to the remainder of the claims. The applicant submits the prior art does not disclose the following limitations of the claimed invention:

- 1) a digital camera which transmits identification information for identifying with the digital camera and a photo service center which sorts the prints of the images according to the identification information as claimed in claims 1, 9, and 32;
- 2) "the location of said camera at the time of transmission is automatically printed on the prints of the images" as claimed in claim 40; and
- 3) the Matsumoto reference is not available as prior art to the present application under U.S.C. 103(c), in regard to claim 42. The Examiner respectfully disagrees.

**Examiner's Reply:**

Re claims 1, 9, and 32) The Matsumoto and Allen references disclose the camera generates user ID data for identifying the user of the digital camera. This user ID data also identifies with the digital camera that assigned it to the image and transmitted the image data and identification information. The ID data associates the camera with the

user of the camera and thereby identifies with the camera also. Identifying with the camera is a use of the identification information and is not a patentably distinct feature. Therefore, it is inherent that any identification information transmitted from the camera can be used for identifying with the digital camera.

Re claim 40) The Allen reference discloses the printer produces prints from the digital images and annotated text (see column 3, lines 29-31). The Nagamine et al. reference discloses the data of the position information is added to the image data stored in the image data storage 11 (see column 6, lines 21-32). It would have been obvious to one of ordinary skill in the art to combine the two references to have the Allen reference save location information along with the annotated text information associated with each picture and print the location of the camera on the prints, in order to see where the picture was taken when viewing the prints.

Re Claim 42) The Matsumoto reference was provided as concrete evidence, in regard to claim 42, to support the Official Notice taken and no 103(c) rejection was made for claim 42. The foreign priority application of JP 09-072008 to Matsumoto published on Dec. 12, 1997, as noted as the applicant in the last paragraph of page 23 of the response, also supports the Official Notice.

### *Drawings*

4. The drawings were received on 8/31/04. These drawings are acceptable.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 9, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto et al., US 6,833,861.**

In regard to claim 1, Matsumoto et al., US 6,833,861, discloses a photo service system structured in an area, said photo service system (see figure 1) comprising:

a digital camera (see figure 1, element 9), which transmits image data of images captured by the digital camera and identification information for identifying with the digital camera (see column 2, line 48 to column 3, line 22);

a base station (see figure 1, element 10) which receives the image data and the identification information transmitted from the digital camera (see column 3, lines 49-58); and

a photo service center (see figure 1, element 32), which prints the images according to the image data, received by the base station (see column 3, lines 59-65) and sorts the prints of the image according to the identification information (see column 4, lines 25-30).

In regard to claims 9 and 32, Matsumoto et al., US 6,833,861, discloses a photo service system (see figure 1) and method comprising:

at least one digital camera (see figure 1, element 9) which selectively transmits image data of images captured by the at least one digital camera, and identification information for identifying the at least one digital camera (see column 2, line 48 to column 3, line 22);

at least one base station (see figure 1, element 10) which receives the image data and the identification information transmitted from the at least one digital camera (see column 3, lines 49-58); and

a photo service center (see figure 1, element 32), which automatically prints the images according to the image data received by the at least one base station (see column 3, lines 59-65) and sorts the prints of the image according to the identification information (see column 4, lines 25-30).

#### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. **Claims 1- 5, 8-9, 11-13, 16, 23-26, 32, 34-38, 40, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663.**

In regard to claim 1, Allen et al., US 5,737,491, discloses a photo service system structured in an area, said photo service system (see figure 1) comprising:

- a digital camera (see figure 1, element 10), which transmits image data of images captured by the digital camera and identification information for identifying with the digital camera (see column 3, lines 5-10);
- a base station (see figure 1, element 34) which receives the image data and the identification information transmitted from the digital camera (see column 3, lines 11-28); and
- a photo service center (see figure 1, element 42) which prints the images according to the image data received by the base station.

The Allen reference does not disclose sorting the prints of the images according to the identification information received with the image data.

Robinson et al., US 6,452,663, discloses an image reproduction apparatus with a digital printer that uses a computer or print sorter to analyze the customer image order and organize a plurality of images in the correct sequence defining at least one batch of prints taking into consideration the number of images in the order and the size of the images to be printed (see column 2, line 47 to column 3, line 13 and column 7, lines 39-49).

It would have been obvious to one skilled in the art to have been motivated to modify Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, to have a computer or print sorter to sort the prints in accordance to the identification information, so that the customer receives the correct batch of prints in a timely manner as taught by Robinson.

In regard to claim 2, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 1, discloses the photo service system as defined in claim 1, wherein the digital camera transmits the image data and the identification information to the base station by wireless communication (see column 3, lines 5-10).

In regard to claims 3, 11, and 13, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 1, discloses the photo service system as defined in claim 1, wherein the photo service center prints information comprising the names of users and the mailing address along with other information on a label along with the prints of the images (see column 3, lines 40-44) but does not disclose the label is placed on the frame of the picture.

It is well known and obvious to one of ordinary skill in the art that the label can be placed anywhere on the picture, including the frame, in order to have the information associated with the print attached to it; therefore, Official Notice is taken the label of the Allen reference is placed on the frame of the print.

In regard to claim 4, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 1, discloses a digital camera exclusively used in the photo service system as defined in claim 1 (see figure 1

element 10 and column 1, lines 57-65). It is clear that the digital camera (10) in Allen is for exclusive use in the photo service system.

In regard to claim 5, the claim describes an intended use for the system; therefore, Allen et al., US 5,737,491, discloses the digital camera as defined in claim 4, wherein the digital camera inherently can be rented to a user in the area.

In regard to claim 8, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 1, discloses a digital camera used in the photo service system as defined in claim 1, comprising a setting device (see figure 1, element 20: microprocessor) which sets identification information for identifying the digital camera (see column 3, lines 8-10).

In regard to claim 9, Allen et al., US 5,737,491, discloses a photo service system (see figure 1) comprising:

at least one digital camera (see figure 1, element 10) which selectively transmits (see column 4, table 1, "Transmit" command and function) image data of images captured by the at least one digital camera, and identification information for identifying the at least one digital camera (see column 3, lines 5-10);

at least one base station (see figure 1, element 34) which receives the image data and the identification information transmitted from the at least one digital camera (see column 3, lines 11-14); and

a photo service center (see figure 1, element 34) which automatically prints the images according to the image data received by the at least one base station.

The Allen reference does not disclose sorting the prints of the images according to the identification information received with the image data.

Robinson et al., US 6,452,663, discloses an image reproduction apparatus with a digital printer that uses a computer or print sorter to analyze the customer image order and organize a plurality of images in the correct sequence defining at least one batch of prints taking into consideration the number of images in the order and the size of the images to be printed (see column 2, line 47 to column 3, line 13 and column 7, lines 39-49).

It would have been obvious to one skilled in the art to have been motivated to modify Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, to have a computer or print sorter to sort the prints in accordance to the identification information, so that the customer receives the correct batch of prints in a timely manner as taught by Robinson.

In regard to claim 12, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 9, discloses the photo service system as defined in claim 9, wherein the at least one digital camera transmits the image data and the identification information to the base station by wireless communication (see column 3, lines 5-10).

In regard to claim 16, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 9, discloses the photo service system as defined in claim 9, further comprising a setting device (see figure 1,

element 20: microprocessor) for setting identification information for identifying the at least one digital camera (see column 3, lines 8-10).

In regard to claim 23, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 9, discloses the photo service system as defined in claim 9, wherein the image data is erased when the at least one digital camera captures a new image (see column 2, lines 38-40: It is well known, obvious, and would have been expected that the memory is erased or overridden when there is a new image capture because it is temporary memory having limited space.).

In regard to claim 24, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 9, discloses the photo service system as defined in claim 9, wherein the at least one digital camera comprises a memory having a predetermined capacity capable of storing image data for a single image only (see column 2, lines 38-40: It is expected that the memory is capable if storing only one image.).

In regard to claim 25, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 9, discloses the photo service system as defined in claim 24, wherein the image data stored in the memory of the at least one digital camera is erased when the at least one digital camera captures a new image (see column 2, lines 38-40: It is well known, obvious, and would have been expected that the memory is erased or overridden when there is a new image capture because it is temporary memory having limited space.).

In regard to claim 26, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 9, discloses the photo service system as defined in claim 9, wherein the at least one digital camera comprises an image transmission voice command for selectively transmitting (see column 4, table 1, “Transmit” command and function) the image data of the images and an external input device (see column 2, lines 63-67) but does not disclose an image transmission button.

It would have been an obvious design choice to a person skilled in the art at the time of invention to have been motivated to have an image transmission button on the input device as an alterative to the voice command. Official Notice is taken that the transmission command of the Allen reference is performed with a button.

In regard to claim 32, Allen et al., US 5,737,491, discloses a photo service method comprising:

capturing and viewing images with a digital camera (see figure 1, elements 14 and 16 and column 1, lines 34-38);  
selectively transmitting (see column 4, table 1, “Transmit” command and function) image data of the captured images and identification information for identifying the digital camera (see column 3, lines 5-10);

receiving the transmitted image data and identification information at an at least one base station (see column 3, lines 11-14);

printing the image according to the image data received by the at least one base station (see column 3, lines 29-31).

The Allen reference does not discloses sorting prints of the images according to the identification information received with the image data.

Robinson et al., US 6,452,663, discloses an image reproduction apparatus with a digital printer that uses a computer or print sorter to analyze the customer image order and organize a plurality of images in the correct sequence defining at least one batch of prints taking into consideration the number of images in the order and the size of the images to be printed (see column 2, line 47 to column 3, line 13 and column 7, lines 39-49).

It would have been obvious to one skilled in the art to have been motivated to modify Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, to have a computer or print sorter to sort the prints in accordance to the identification information, so that the customer receives the correct batch of prints in a timely manner as taught by Robinson.

In regard to claim 34, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 32, discloses the photo service method as defined in claim 32, wherein the image data and the identification information are transmitted to the at least one base station by wireless communication (see column 3, lines 5-10).

In regard to claim 35, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 32, discloses the photo service method as defined in claim 32, further comprising setting identification

information for identifying the at least one digital camera (see column 3, lines 8-10).

In regard to claim 36, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 32, discloses the photo service method as defined in claim 32, further comprising erasing the image data from the at least one digital camera when the image data is transmitted to the at least one base station (see column 2, lines 38-40: It is well known, obvious, and would have been expected that the memory is erased or overridden when there is a new image capture because it is temporary memory having limited space.).

In regard to claim 37, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 32, discloses the photo service method as defined in claim 32, wherein said selectively transmitting comprises selecting an image transmission function for transmitting the image data to the at least one base station, thereby ordering prints of the captured images (see column 3, lines 49 to column 4, line 35 and column 4, line 66 to column 5, line 3).

In regard to claim 38, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, as described in regard to claim 32, discloses the photo service method as defined in claim 32, further comprising calculating a monetary charge based on a number of prints printed (see column 4, line 66 to column 5, line 3).

In regard to claims 40 and 43, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, discloses the photo service system as defined in claims 1 and 32, respectively, wherein said photo service center (see figure 1, element 42) automatically prints each image upon receipt of the image data of

each captured image by the base station (see column 4, line 66 to column 5, line 1: The fulfillment center sends all image to be printed to the printer and the printer automatically prints them).

In regard to claim 42, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, discloses the photo service system as defined in claims 9. The Anderson reference discloses that at least one digital camera comprises a memory including a predetermined memory capacity capable of storing image data (see figure 1 element 22). The Allen and Robinson references do not disclose wherein said at least one digital camera stores image data for no more than a single image at a time.

Official Notice is taken that it is well known in the to make the temporary memory in a camera only large enough to store one image while waiting to be further processed thereby minimizing the size it adds to the camera. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, to have at least one digital camera stores image data for no more than a single image at a time in order minimize the size it adds to the camera.

**9. Claims 6, 14, 17 – 19, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al., US 5,737,491 in view of Yamaguchi et al., US 6,493,828.**

In regard to claims 6 and 14, Allen et al., US 5,737,491, discloses the digital camera as defined in claims 4 and 9, comprising:

a shutter release button (see figure 1, element 18).

The Allen reference lacks a displaying device, which automatically turns on to start displaying a moving image when the user half-presses the shutter release button.

Yamaguchi et al, US 6,493,828 discloses an digital camera incorporated in a laptop computer that has a quick capture mode wherein when the shutter release button is pressed, full-pressed or first half-pressed, the laptop powers on (see column 6, lines 30-32) and enters image capture mode displaying a video or moving picture captured by the video camera on the screen (see column 7, lines 11-13). When the shutter button is half pressed a second time the image is captured and displayed as a still image (see column 7, lines 15-18). Yamaguchi states, "It will be apparent to those skilled in the art that a picture obtained as a result that the shutter button is fully pressed in the power-off state or the suspend mode may be immediately recoded onto the HDD" (see column 7, lines 18-20 and 62-65), therefore it would also be apparent to those skilled in the art that a video or moving picture will be obtained as a result that the shutter button is half pressed in the power-off state or the suspend mode. Yamaguchi et al., US 6,493,828, teaches the quick capture mode is used so that a picture capture is not missed because of a long start up process (see column 1, lines 55-63).

It would have been obvious to a person skilled in the art at the time of invention would have been motivated to modify Allen et al., US 5,737,491 in view of Yamaguchi et al., US 6,493,828, to have a shutter release button and a displaying device which automatically turns on to start displaying a moving

image when the user half presses the shutter release button in order to view the image being picked up through the CCD video camera as taught by Yamaguchi.

In regard to claim 17, Allen et al., US 5,737,491 in view of Yamaguchi et al., US 6,493,828, as described above in regard to claim 14, discloses photo service system as defined in claim 14, wherein the displaying device displays an image corresponding to the image data captured by the at least one digital camera when the shutter button is pressed to a second position (see Yamaguchi: see column 7, lines 11-25). In the Yamaguchi reference, the fully pressed shutter button represents “a second position” as claimed.

In regard to claim 18, Allen et al., US 5,737,491 in view of Yamaguchi et al., US 6,493,828, as described above in regard to claim 14, discloses the photo service system as defined in claim 14, wherein the photo service center comprises an image processing part for controlling communications between the at least one digital camera and the at least one base station (see Allen: figure 1, element 37 and column 3, lines 14-28).

In regard to claim 19, Allen et al., US 5,737,491 in view of Yamaguchi et al., US 6,493,828, as described above in regard to claim 14, discloses the photo service system as defined in claim 18, wherein the image processing part (see Allen: figure 1, element 37) collects image files (digital images) received by the at least one base station (see Allen: figure 1, element 34 and column 3, lines 16-18: the image fulfillment center or base station receive image files or digital images and sends them to the central processor.).

In regard to claim 27, Allen et al., US 5,737,491 discloses the photo service system as defined in claim 9, but lack wherein that the at least one digital camera comprises a cancel/power button for canceling the transmission of the image data and turning off the power.

Yamaguchi et al, US 6,493,828, discloses an digital camera incorporated in a laptop computer that has a cancel/power button, ESC key and stutter button presses simultaneously, that ends the quick capture processing of the camera and returns the computer to normal operation (see column 7, lines 51-54).

It would have been obvious to a person skilled in the art at the time of invention would have been motivated to modify Allen et al., US 5,737,491 in view of Yamaguchi et al., US 6,493,828, to have a cancel/power button wherein the camera turns off and thereby canceling the ability to transmit the image in order to conclude image capture as taught by Yamaguchi.

In regard to claim 28, Allen et al., US 5,737,491 , discloses the photo service system as defined in claim 9, wherein the at least one digital camera comprises a power button for turning on the digital camera.

It is obvious and expected that the camera in the Allen reference has a power button in order to turn the camera on and off.

**10. Claims 7, 15, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al., US 5,737,491 in view of Yamaguchi et al., US 6,493,828, in further view of Tsukahara, US 6,026,407.**

In regard to claims 7 and 15, Allen et al., US 5,737,491 in view of Yamaguchi et al, US 6,493,828, as described above in regard to claim 6, discloses the digital camera as defined in claims 6 and 14.

The Allen and Yamaguchi references lack wherein the displaying device automatically turns off when the user releases the shutter release button after half-pressing the shutter release button.

Tsukahara, US 6,016,407, discloses energy-saving camera includes a power saving means that decreases or turns off the display brightness of the display when the display time of the display, during a non-operational state, exceeds a predetermined display time (see column 4, lines 28-32). The invention conserves energy, because the display wastes power by staying on when it is not being used (see column 1, lines 58-64).

It would have been obvious to a person skilled in the art at the time of invention would have been motivated to modify Allen et al., US 5,737,491 in view of Yamaguchi et al., US 6,493,828, in further view of Tsukahara, US 6,026,407, to have a power saving means to shutoff the display after a camera operation has not been preformed for a predetermined time in order to extend the power supply as long as possible as taught by Tsukahara.

In regard to claim 30, Allen et al., US 5,737,491 in view of Yamaguchi et al, US 6,493,828, as described above in regard to claim 14, discloses the photo service system as defined in claim 14, wherein the at least one digital camera further comprises:

a power button for turning on the digital camera

[It is obvious and expected that the Allen reference has a power button in order to turn the camera on and off.]; but lacks a controlling part for canceling the transmission of the image data and turning off the digital camera if the image transmission button or the cancel/power button are not pressed within a predetermined period of time from a pressing of the shutter release button.

Tsukahara, US 6,016,407, discloses energy-saving camera includes a power saving means that decreases or turns off the display brightness of the display when the display time of the display, during a non-operational state, exceeds a predetermined display time (see column 4, lines 28-32). The invention conserves energy, because the display wastes power by staying on when it is not being used (see column 1, lines 58-64).

It would have been obvious to a person skilled in the art at the time of invention would have been motivated to modify Allen et al., US 5,737,491 in view of Yamaguchi et al., US 6,493,828, in further view of Tsukahara, US 6,026,407, to have a power saving means to shutoff the display after a camera operation has not been performed for a predetermined time in order to extend the power supply as long as possible as taught by Tsukahara.

**11. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al., US 5,737,491 in view of Yamaguchi et al., US 6,493,828 as applied to claim 14 above, and further in view of Robinson et al., US 6,452,663.**

In regard to claim 20, Allen et al., US 5,737,491 in view of Yamaguchi et al., US 6,493,828, as described above in regard to claim 14, discloses the photo

service system as defined in claim 19, wherein the image processing part prints the images according to the collected image files.

The Allen and Yamaguchi references do not disclose sorting the prints based on the identification information received with the image file.

Robinson et al., US 6,452,663, discloses an image reproduction apparatus with a digital printer that uses a computer or print sorter to analyze the customer image order and organize a plurality of images in the correct sequence defining at least one batch of prints taking into consideration the number of images in the order and the size of the images to be printed (see column 2, line 47 to column 3, line 13).

It would have been obvious to one skilled in the art to have been motivated to modify Yamaguchi et al., US 6,493,828 as applied to claim 14 above, and further in view of Robinson et al., US 6,452,663, to have a computer or print sorter to sort the prints in accordance to the identification information, so that the customer receives the correct batch of prints in a timely manner as taught by Robinson.

In regard to claim 21, Allen et al., US 5,737,491 in view of Yamaguchi et al., US 6,493,828, discloses the photo service system as defined in claim 18, wherein the image processing part:

gathers images received by the at least one base station and captured by one of the at least one digital camera at a plurality of times and locations (see Allen: table 1, “transmit command and function and column 3, lines 11-16: Whenever a image is captured and the transmit

command is used, the new image taken at a new time and location by the camera is received by the same fulfillment center as the previous pictures to be processed by the central processor.);  
prints the images (see column 4, lines 66-67).

The Allen reference does not disclose sorting the printed images on the basis of the identification information.

Robinson et al., US 6,452,663, discloses an image reproduction apparatus with a digital printer that uses a computer or print sorter to analyze the customer image order and organize a plurality of images in the correct sequence defining at least one batch of prints taking into consideration the number of images in the order and the size of the images to be printed (see column 2, line 47 to column 3, line 13).

It would have been obvious to one skilled in the art to have been motivated to modify Yamaguchi et al., US 6,493,828 as applied to claim 14 above, and further in view of Robinson et al., US 6,452,663, to have a computer or print sorter to sort the prints in accordance to the identification information, so that the customer receives the correct batch of prints in a timely manner as taught by Robinson.

In regard to claim 22, Allen et al., US 5,737,491 in view of Yamaguchi et al., US 6,493,828, discloses the photo service system as defined in claim 18, wherein the image processing part:

collects image files including images captured by one of the at least one digital camera at a plurality of times and locations (see Allen:

table 1, "transmit command and function and column 3, lines 11-16:

Whenever a image is captured and the transmit command is used, the new image taken at a new time and location by the camera is received by the same fulfillment center as the previous pictures to be processed by the central processor.);

prints the images according to the collected image files (see column 4, lines 66-67).

The Allen reference does not disclose sorting the printed images on the basis of the identification information.

Robinson et al., US 6,452,663, discloses an image reproduction apparatus with a digital printer that uses a computer or print sorter to analyze the customer image order and organize a plurality of images in the correct sequence defining at least one batch of prints taking into consideration the number of images in the order and the size of the images to be printed (see column 2, line 47 to column 3, line 13).

**12. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al., US 5,737,491, in view of Arai, US 5576758.**

In regard to claim 29, Allen et al., US 5,737,491, discloses the photo service system as defined in claim 9, but does not disclose that the at least one digital camera comprises an electronic flash set button. A camera flash and flash set button are old and well-known in the art as known by figure 4, element 6 and figure 5, element 36 of Arai, US 5576758, therefore, it would have been obvious to one skilled in the art to have been motivated to modify Allen et al., US

5,737,491, in view of Arai, US 5576758, to have a flash and a flash set button to turn on the flash when extra lighting for image capture is needed.

**13. Claims 39 40, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663 as applied to claim 1 above, and further in view of Nagamine et al., US 6,564,070.**

In regard to claim 39, Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, discloses the photo service system as defined in claim 1. The Allen reference does not disclose that the base station comprises a plurality of base stations that selectively receive image data and identification information transmitted from the digital camera based on a location of said camera at a time of transmission of the image data of each image.

Nagamine et al., US 6,564,070, discloses that the base station comprises a plurality of base stations that selectively receive image data and identification information transmitted from the digital camera based on a location of said camera at a time of transmission of the image data of each image (see column 6, lines 21-38 and column 7, lines 13-17).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, and further in view of Nagamine et al., US 6,564,070, to have a plurality of base stations that selectively receive image data and identification information transmitted from the digital camera based on a location of said camera at a time of transmission of the image data of each image in order for the user to associate image capture locations with their images.

In regard to claim 40, Allen et al., US 5,737,491, in view of Robinson et al., US 6,452,663, and further in view of Nagamine et al., US 6,564,070, discloses the photo service system as defined in claim 39. The Allen reference discloses the printer produces prints from the digital images and annotated text (see column 3, lines 29-31). Nagamine et al. reference discloses the data of the position information is added to the image data stored in the image data storage 11 (see column 6, lines 21-32).

It would have been obvious to annotate the print of the Allen reference in view of the Nagamine reference wherein the location of said camera at the time of transmission is automatically printed on the prints of the images in order to see where the picture was taken when viewing the prints.

In regard to claim 44, Allen et al., US 5,737,491, a photo service system structured in an area, said photo service system comprising:

a digital camera (see figure 1, element 10), which transmits image data of each image captured by the digital camera and identification information for identifying with the digital camera (see column 3, lines 5-10);

a base station (see figure 1, element 34) which receives the image data and the identification information transmitted from the digital camera (see column 3, lines 11-28); and

a photo service center (see figure 1, element 42) that automatically prints each image upon receipt of the image data of each captured image by the base station (see column 4, line 66 to column 5 line 1).

The Allen reference does not disclose:

a plurality of base stations that selectively receive image data and identification information transmitted from the digital camera based on a location of said camera at a time of transmission of each image; and the photo service center sorts the prints of the images according to the identification information received with the image data.

Robinson et al., US 6,452,663, discloses an image reproduction apparatus with a digital printer that uses a computer or print sorter to analyze the customer image order and organize a plurality of images in the correct sequence defining at least one batch of prints taking into consideration the number of images in the order and the size of the images to be printed (see column 2, line 47 to column 3, line 13 and column 7, lines 39-49).

It would have been obvious to one skilled in the art to have been motivated to modify Allen et al., US 5,737,491 in view of Robinson et al., US 6,452,663, to have a computer or print sorter to sort the prints in accordance to the identification information, so that the customer receives the correct batch of prints in a timely manner as taught by Robinson.

Nagamine et al., US 6,564,070, discloses that the base station comprises a plurality of base stations that selectively receive image data and identification information transmitted from the digital camera based on a location of said camera at a time of transmission of the image data of each image (see column 6, lines 21-38 and column 7, lines 13-17).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Allen et al., US 5,737,491, in view of

Robinson et al., US 6,452,663, and further in view of Nagamine et al., US 6,564,070, to have a plurality of base stations that selectively receive image data and identification information transmitted from the digital camera based on a location of said camera at a time of transmission of the image data of each image in order for the user to associate image capture locations with their images.

*Allowable Subject Matter*

14. Claims 10, 31, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs



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